

Third United Nations Conference on the Law of the Sea

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23rd meeting of the General Committee

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that consideration of that part would be concluded by the end of the following week.

20. Lastly, the Conference had decided at the 71st plenary meeting to postpone its discussion of the preamble and final clauses until a later stage.

21. Mr. ARIAS SCHREIBER (Peru) expressed his gratitude to the Chairman of the Third Committee for the straightforward presentation in the revised single negotiating text of the prevailing views expressed in that Committee, particularly with respect to zones of national jurisdiction. Although some provisions of that text required negotiation, it represented an important step forward.

22. He also agreed with the Chairman of the Third Committee that a reversion to extreme positions would paralyse the debate, as had occurred at the preceding session, and endorsed his appeal to delegations to be realistic and proceed on the basis of the revised single negotiating text.

23. Mr. ZEGERS (Chile) said that the fact that the Second Committee had not yet begun substantive discussion of the items before it was a cause for concern. It was imperative that negotiations in that Committee get under way as soon as possible, and it was for delegations to take the initiative. It was equally important that progress be made in the negotiations in the plenary.

24. He emphasized the importance of ensuring adequate co-ordination between the work of the Third Committee and that of the First and Second Committees and he trusted that such co-ordination would be maintained by the respective Chairmen, who should keep the General Committee informed.

25. He stressed the need for a discussion in the plenary of the preamble and final clauses. Various questions, such as the provisional application of the future convention, were of particular importance, and he would welcome information on that matter.

26. The CHAIRMAN said that he had consulted several delegations and members of the Secretariat concerning the preamble and final clauses and that he planned to discuss the question more fully at the next meeting of the General Committee.

27. Mr. TÜNCEL (Turkey) expressed satisfaction at the progress of work in the plenary and welcomed the fact that the Secretariat was endeavoring to provide participants with written texts of proposals presented orally, a service which was not

provided to some other Committees. He also congratulated the Secretariat on the draft alternative texts of the preamble and final clauses (A/CONF.62/L.13), which provided a good basis for future work. While his delegation would accept the Chairman's suggestion concerning the timing for its consideration, it felt that discussion of the paper should be delayed as long as possible inasmuch as the preamble and final clauses would be closely related to other texts to be adopted in the Committees.

28. He shared the optimism expressed concerning the work of the Third Committee and the hope that delegations would be able to reach agreement on a final text on the basis of the revised single negotiating text.

29. As to the work of the First Committee, he hoped that delegations would demonstrate a willingness to negotiate earnestly.

30. With regard to the Second Committee's work, while his delegation was partially satisfied with the procedures adopted, it would respect the Committee's decision. His delegation had proposed that the revised single negotiating text should be considered in second reading chapter by chapter, affording delegations the opportunity to comment on one or more articles which interested them; those articles on which no comments were made could be considered generally acceptable to the Conference. Furthermore, his delegation continued to advocate that additional subjects should be considered as priority items by the Second Committee and that a second list of such items should be drawn up. It also believed that the period of three weeks allotted for the four priority items selected was too long, while the two weeks allotted for the remaining items would not be sufficient.

31. The CHAIRMAN announced that he had inadvertently omitted an informal proposal made by Turkey from the list of informal proposals he had circulated in the plenary. That omission would be rectified.

32. Mr. LEARSON (United States of America) said that his delegation had considerable problems with the new text on marine scientific research. It would work closely with other delegations to solve them under the guidance of the Chairman of the Third Committee, and he was certain that the Chairman of that Committee had not meant to preclude such an effort.

The meeting rose at 11.35 a.m.

23rd meeting

Monday, 16 August 1976, at 10.25 a.m.

Chairman: Mr. H. S. AMERASINGHE (Sri Lanka).

In the absence of the Chairman, Mr. Evensen (Norway), Vice-Chairman, took the Chair.

Organization of work

1. The CHAIRMAN suggested that the Committee should hear the reports of the Chairmen of the three Committees, after which he himself would report on progress made at the informal plenary meetings concerning the settlement of disputes. He further suggested that the Committee should then discuss future work on the preamble and final clauses.

It was so decided.

2. Mr. ENGO (United Republic of Cameroon), speaking as Chairman of the First Committee, said that it had been

decided in the workshop to begin discussions, as a matter of priority, with the system of exploitation of the international area in all its aspects, followed by institutional questions, particularly the relationship between the Assembly and the Council. It had also been decided to leave the current week open for interest groups to consider those aspects which they were not yet quite ready to discuss in the workshop. It was particularly important for the developing countries to have an opportunity to harmonize their views. They were continuing their efforts, and a progressive attitude was being taken in the consultations.

3. Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that the three negotiating groups had continued their work during the past week.

4. Negotiating group No. 1, which dealt with the legal status of the exclusive economic zone and the rights of other States to participate in the exploitation of the living resources of the zone, had held four meetings, which had been devoted to the legal status of the zone. The group had not yet discussed specific compromise formulas that would amend the provisions of the revised single negotiating text, but it hoped to be able to proceed to that stage at its following meeting.

5. Negotiating group No. 2, which dealt with the right of access to and from the sea and freedom of transit for land-locked States, had also held four meetings. The group had now reached the stage where it could seek to formulate specific provisions that reflected the agreement reached in principle. It had accordingly authorized him to set up a representative group of about 25 delegations that would try to reach agreement on specific recommendations.

6. Negotiating group No. 3, which was considering the definition of the outer limit of the continental margin and the question of payments and contributions in respect of the exploitation of the continental shelf beyond 200 miles, had held three meetings, all devoted to the first of these two topics. He hoped that the group would now be able to begin work on specific formulas relating to that topic.

7. Mr. YANKOV (Bulgaria), speaking as Chairman of the Third Committee, said that the Committee had held informal plenary meetings devoted to two key issues, namely, marine scientific research and important aspects connected with vessel-source pollution. Smaller negotiating groups had also met, and sometimes even a very small negotiating group had been set up in order to harmonize the wording of similar proposals. The discussions during the past week had been quite encouraging. The Committee had fixed the tentative date of 20 August as the time-limit for consideration of the régime for marine scientific research and the principle of consent, and 27 August as the time-limit for discussion of vessel-source pollution. With regard to the very controversial issue of marine scientific research, several proposals had been put forward from which a compromise formula might emerge.

8. It was his understanding that the Committee was not expected to produce a new version of any part of the revised single negotiating text; rather, he felt that the purpose of the negotiations was to produce an informal paper that could later form the basis for a consolidated text.

9. The Committee was now approaching a more advanced stage, at which it should have a clearer idea of its future course. In that connexion, it should take account of the need for a consensus and for a "package deal", either within the Third Committee's terms of reference or vis-à-vis the convention as a whole.

10. The CHAIRMAN, reporting on the informal plenary meetings of the Conference concerning the settlement of disputes, said he felt that satisfactory progress was being made. The discussions had dealt with some underlying problems, including the proliferation of dispute settlement organs. The Conference had considered whether there should be two separate tribunals, for the interna-

tional sea-bed area and the law of the sea respectively, whether they should be merged, or whether it was necessary to set up a special law of the sea tribunal at all. The discussions had touched on the question of whether the International Court of Justice should have primary jurisdiction, and whether a permanent arbitration tribunal should be established. Some of the substantive issues relating to the special committees to be established in connexion with fisheries, pollution, scientific research and navigation had also been considered. With regard to the article-by-article discussion of the text on settlement of disputes, the plenary Conference had concluded discussions of article 10 and was ready to proceed with article 11.

11. He suggested that, during the current week, informal plenary meetings should be held twice a day to enable the Conference to conclude that aspect of its work by the end of the following week at the latest.

12. He suggested that the question of the preamble and final clauses (A/CONF.62/L.13) might be postponed until the following week, by which time the discussion on the settlement of disputes might have been concluded. It might also be premature to establish an informal group to formulate proposals concerning the preamble and final clauses for, in his view, plenary meetings were needed, possibly informal in character, before the relevant texts were drafted.

13. Mr. TÜNCEL (Turkey) agreed that discussion of the preamble and final clauses should be deferred until a later stage, since they were closely linked to the substantive provisions of the convention. In the case of the clause relating to reservations, for example, the position taken by each delegation would depend on its final position with regard to each of the substantive articles. His delegation accordingly took the view that there was need for a formal debate, with summary records, on the question of the preamble and final clauses. In the meantime, it could not support the idea of establishing an informal group to present specific recommendations.

14. Mr. ARIAS SCHREIBER (Peru) agreed with the representative of Turkey that the preamble and final clauses should be the subject of a formal discussion, so that the positions of delegations could be placed on record.

15. Mr. WITEK (Poland) endorsed the view that the preamble and final clauses should be discussed at a later stage, since they were to a large extent dependent upon the substantive provisions of the convention, and that it would be useful to hold a plenary meeting on that question.

16. With regard to the informal plenary meetings concerning the settlement of disputes, he suggested that it might be better to hold them on alternate days, or hold only one meeting a day, since some delegations were having difficulty in following the discussions in the main committees.

17. Mr. SOGBETUN (Nigeria) agreed that work on the preamble and final clauses should be deferred until a later stage.

18. Mr. ZEGERS (Chile) noted that there appeared to be a consensus that the Conference should consider the preamble and final clauses in formal meetings only after it had concluded its discussions concerning the settlement of disputes, on which negotiations were proceeding.

The meeting rose at 11.15 a.m.